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SUBJECT: THE GOVERNMENT OF THE FRENCH-SPEAKING COMMUNITY OF BELGIUM
INITIATIVE TO REGULATE PRIVATE EDUCATION - A CAMPAIGN FOR A NEW
NORMATIVE INSTRUMENT?

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11. (SBU) Summary: U.S. agencies, including those involved in international trade agreements, need to keep a careful eye on the efforts of the government of Belgium's French-speaking community to enlist UNESCO -- in an unhelpful way -- in the fight against fly-by-night diploma mills in Africa and elsewhere. On May 23, 2008, the French-speaking Community of Belgium, Wallonia-Brussels, sponsored an international seminar entitled, "The State as the Regulator of Education". This seminar was attended by Embassy Brussels at the request of the US Mission to UNESCO. While the Belgian Francophones told us they were motivated by a desire to ensure the delivery of quality education in states that lack the resources to educate all children in public schools, particularly in Africa, the documents they have produced thus far do not make their ultimate goal clear. In comments made to other seminar participants and in documents circulated in conjunction with the meeting, they made frequent favorable references to the 2005 Convention on the Diversity of Cultural Expressions and to the need to prevent education from being traded as a commodity while ensuring that children in developing countries receive culturally appropriate education. The campaign being launched by the Belgian Francophones recalls the early phases of the campaign which ultimately resulted in the 2005 convention on cultural diversity. Their intentions may become clearer in Geneva in November 2008 if they raise this issue at the International Conference on Education. End Summary

12. (SBU) Roger Dehaybe, the former General Administrator of the Intergovernmental Agency for Francophonie in Belgium, has approached the U.S. Mission to UNESCO on several occasions in recent months to discuss an initiative to encourage governments to better regulate private education. As Dehaybe described the problem to us, African public education systems are being deluged with large numbers of children seeking schooling. There is no place for many of them in these countries' over-crowded public educational systems, with the result that many parents have no choice but to enroll their children in private schools. In Africa, many of the latter are "for profit," and in Dehaybe's view deliver a bad outcome at an exorbitant cost to parents. "They are little more than baby-sitting services," he complained to us. He has suggested that he would like donor countries to work with UNESCO to provide advice to African countries on how to regulate these private operations to ensure they deliver quality education.

13. (SBU) The US Mission has taken the position with Dehaybe and the Belgian UNESCO Delegation that the U.S. is willing to work with UNESCO and others to consider ways to improve educational quality in Africa. Many African UNESCO delegations have indicated concern about this problem.

14. (SBU) The US Mission, however, has had to question the Belgians

repeatedly about whether it is really their intention only to share advice and best practices with African nations to address this issue. For several months, the Belgian Francophones have been seeking support among member delegations for a draft declaration on this subject. The text has gone through numerous drafts and revisions, and the Belgian Francophones have used different rationales when explaining this initiative to other delegations. Early drafts used language that referred to education as a public service ("bien public") that should not be an item of commerce and stated that education should be exempt from the rules laid down in the General Agreement on Trade in Services (GATS). The early drafts also made repeated references to the 2005 UNESCO Convention on the Diversity of Cultural Expressions which the U.S. strongly opposes and which contains language intended to permit governments to regulate cultural issues while evading their obligations under the rules of the World Trade Organization. Some versions of the draft seemed to imply that private education is somehow not culturally appropriate for children in developing countries.

¶5. (SBU) On May 23, 2008, the Belgian Francophones convened a meeting in Brussels in their capacity as a member of the international Francophone community to consider their proposed draft declaration. (N.B. This was technically not/not a UNESCO meeting.) We are deeply indebted to our colleagues in Embassy Brussels who attended the meeting and contributed to this report.

¶6. (SBU) According to the accounts we have received, a number of countries, (Mali, Gabon, Venezuela, Kuwait, France, Brazil and Chile) were quite vocal in support of State regulation of private education. Brazil even voiced concerns about the US buying private universities in Brazil that in turn influenced students. In addition, Ambassador Yai, the Permanent Delegate to UNESCO from Benin and President of the UNESCO Executive Board attended the seminar. At the end of the seminar, the participants from over 40 countries adopted the text styling it as an "appeal for action" and calling on all governments to commit to preserving and reinforcing

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public education that is of high quality and equitable, and making certain that private education recognized by public authorities responds to the same criteria. In addition, the appeal also invited UNESCO to continue to reflect on the role of the State as the regulator of education with the aim of placing this topic on the agenda of the International Conference on Education (ICE) sponsored by UNESCO in November, 2008 in Geneva. (See Para. 14 below for full text of this document).

¶7. (SBU) The final version of this text, however, leaves the Belgian Francophones' goal for this initiative still unclear. Although some of the worst language in the earlier drafts has disappeared (e.g., rhetoric against GATS), there is still much that makes us uncomfortable. What action will they want after the November ICE meeting "reflects" on this issue? Although they vociferously deny it, we fear they are attempting to begin a process that would lead to a new normative instrument adopted by UNESCO. Our colleagues in the Canadian delegation agree that this appears to be the Belgians Francophones' unacknowledged goal. If it is, the Belgian delegation may well ask the ICE to recommend that the issue be put on UNESCO's agenda. If that happens, UNESCO's General Conference in October 2009 has the authority to ask the Organization to convene a meeting to draft a new normative instrument. A similar procedure led to the 2005 Cultural Diversity Convention.

¶8. (SBU) In addition to opening the door to a possible eventual normative instrument, we have concerns about the text of this "appeal" and how it could affect the delivery of education in countries, particularly the United States. The text appears to apply to all levels of education (primary, secondary and higher), and it is universal in scope and not limited to Africa. In meetings with the Belgian Francophones, they have specifically stated that the goal is to target primary education but the appeal has no references to targeting only primary education. The appeal seems to make no distinction between for-profit and non-profit education, referring to "private education" generally and requesting that all governments commit to state regulation of all private education. In addition, the continued presence of language about culturally

appropriate education implies private education (particularly education based on the U.S. model) is somehow less likely to be culturally appropriate and that private schools must have foreign sponsors. Finally, there are very few references to "quality education" which is what the Belgian Francophones have consistently told us is the overall goal. The few references to quality in the document imply that if the State regulates private education the State will ensure quality. Given that education is a sovereign responsibility and is delivered in numerous ways, the Mission is concerned that an international normative instrument on this issue will be at odds with how sovereign governments deliver education and will force countries into State regulation of all private education. Rather than improving educational quality across the board, countries may "dumb down" private education to ensure it does not deliver a better result than public education. Finally, there are numerous US universities, both public and private, for-profit and non-profit as well as US primary and secondary education institutions that provide education abroad. The Mission is concerned that these discussions and this appeal could also be laying the groundwork for an attack on them with the goal of making it difficult for them to operate.

¶9. (SBU) The next step in this process will be to bring attention to the urgency of this issue at the IBE conference in November, ¶2008. In that vein, it is possible that an item could be submitted by the Belgian delegation at the UNESCO fall Executive Board meeting to request that state regulation of private education be a topic at the ICE conference. The ICE conference takes place every four years bringing Ministers of Education from all over the world together to discuss a current and emerging educational topic. This year's topic is "Inclusive Education: The Way of the Future". At the end of the Conference, a communiqu  is issued and agreed to by the participants. This will be an opportunity for the Belgian Francophones and others to push this initiative and move it closer to a normative instrument. Therefore, the U.S. should oppose having this topic placed on the ICE agenda.

¶10. (SBU) Note: During the Education Ministerial on the margins of the October 2007 UNESCO General Conference, Marie Arena, Minister-President of the French-speaking Community of Belgium, participated in a panel session on partnerships for education and economic development. In her remarks she noted that the IBE Conference would be a great opportunity to reach a consensus for the minimal rules States could adopt at the national or regional level in order to make sure that private operators of education "respect a certain number of values and offer all guarantees on the quality of the rendered service".

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¶11. (SBU) Among many things unclear about the Belgian Francophone initiative is how much support it really has. Several Francophone African states (e.g., Senegal) attended the Brussels conference and appear to be committed supporters. Beyond this group, support is more uncertain. As far as we know, the EU has yet to take a position. The Canadians tell us they do not like the fact that the Belgian text applies to higher education as well as lower educational levels. The Indians tell us too that they are concerned about the potential impact of this initiative on their educational system which has a very important private element.

¶12. (SBU) We can, nonetheless, not rely on our partners' private reservations to stop this train if it gains momentum. Delegations at UNESCO tend to bend over backwards to allow other delegations to save face, conceding more than they should. The U.S. Mission would welcome reporting from other posts on the attitude of other governments, if and as the Belgian Francophones continue to seek wider support for their initiative.

¶13. (SBU) Comment: On June 11, 2008, Ambassador Oliver met with Ambassador Kridelka, the Permanent Delegate of Belgium to UNESCO. Ambassador Kridelka stated that the Ministry of Education of the French Community is pushing this issue but the Federal Foreign Ministry of Belgium does not want a confrontation with the United States on this topic due to Belgium's strong desire for US support of their candidacy to the UNESCO Executive Board in 2009.

¶14. (U) Following is the full English language text of the Brussels appeal:

Begin Text

The Brussels Appeal of 23 May 2008

We, the Participants in the seminar organized in Brussels on Friday 23 May 2008 concerning the State as the Regulator of Education Provision

Recalling That

- International agreements ensure fundamental rights concerning education, notably by adopting the following principles:
 - Equal access for all and at all levels;
 - Agreement on fundamental aims of education, which are to enable all people to seek individual fulfillment, to enhance their knowledge, and to develop their capacities to participate in economic and social progress in their societies;
- An assurance of quality by all public and private providers.
- States and Governments should ensure quality education for all that is offered by well-trained and respected professionals, in particular by developing legal and regulatory means to regulate and monitor private provision of education;
- In most countries, organizing education services implies the existence of a diversity of public and private provision;

Aware That

- The role of the private sector in education is on the increase as a result of:
 - Higher fees for education that are borne by households;
 - Financing or investment by foundations, companies and private institutions;
- With the effects of globalization, the mobility of educational supply across borders is growing, notably through distance education and other forms of export. In consequence, there is a risk that more education services will be commercial goods, without consideration for the resulting effects of increasing inequality and destabilization.
- Purely profit-making private education institutions do not always take pupils' and students' social and cultural contexts into account, with the risk of ignoring the protection of identity or the strengthening of cultural and linguistic diversity and social cohesion;

Reaffirm that

Unregulated or poorly regulated private education can result in higher costs and lower quality and relevance and in consequence increased economic, social and cultural inequalities between people

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as well as weakening of equitable access of citizens to public goods

- education and training.

Launch An Appeal For Action To:

¶1. Encourage Governments to commit to:

- Preserve and reinforce public education that is of high quality and equitable, and make certain that private education recognized by public authorities responds to the same criteria;
- Develop tools for oversight and control of educational systems that continuously monitor the quality of educational provision, and when necessary, take measures to ensure that quality is maintained;
- Ensure respect for the pertinence of education to linguistic and cultural identity, to local development needs and to social cohesion, in particular by encouraging participative management.

¶2. Foster an international dialogue between education and training stakeholders notably between countries from the South, by creating a network that could undertake to:

- Analyze private and public provision of education and assess its impact on the respect of existing international commitments endorsed by public authorities;
- Identify successful experience on all continents and regions by developing research tools, collecting comparable information about the provision, financing and results of private education (assessing the impact of private financing of national education services, private-public partnerships,...);

¶3. Reinforce multi-stakeholder partnership and in consequence collaboration between national and international stakeholders, including civil society and professional organizations that contributes to the development and outcomes of decision-making tools for governments concerning regulation of private as well as public education and training and assist in implementing them;

¶4. Ensure that development partners consider internationally recognized quality assurance as an essential component of education reform at all levels;

¶5. Invite governmental and nongovernmental regional and international organizations as well as civil society stakeholders to support this Appeal and to collaborate actively with the aforementioned network;

¶6. Invite UNESCO to continue reflection on the role of the State as regulator of education, notably during the International Conference on Education in Geneva (November 2008) and to facilitate exchange of experience and expertise on this subject.

End Text.

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